IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.9041 OF 2007

Badrinarayan Shankarlal Bhandari
and ors. .. Petitioners

Versus

Omprakash Shankarlal Bhandari
and Ors. .. Respondents

Mr.G.S.Godbole with Pallavi N.D. for petitioners
Mr.Vithaldas Bhandari - Respondent No.3 present in person.

CORAM : S.C.DHARMADHIKARI, J.
DATE : 20th December 2007

P.C.

. The delay caused in preferring cross objections by one Vithaldas who is before me as respondent No.3 is condoned and the cross objections are taken on record. That is the order under challenge.

2. It is undisputed that the appeal is

pending and there are cross objections by some of the respondents thereto. In addition, now the cross objections of respondent No.3 are also being taken on record. The complaint is, there cannot have been such an order once the arguments of the appellants are over.

3. In my view, the order under challenge is interlocutory. If the final orders in the appeal or on the cross objections are adverse, while impugning them, the petitioners can always urge that the cross objections were not liable to be taken on record at the stage at which they were tendered so also there was no case made out for condoning the delay in filing the same. All such pleas are kept open and with this clarification, petition is dismissed.

(S.C.Dharmadhikari, J)